

ORIGINAL

Decision No. 73566

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SAN JOAQUIN COMPRESS )  
AND WAREHOUSE COMPANY, a corporation, )  
for a Certificate of Public Convenience )  
and Necessity to operate as a ware- )  
houseman in Kern County. )

Application No. 49749  
(Filed October 20, 1967)

O P I N I O N

By this application, San Joaquin Compress and Warehouse Company, hereinafter referred to as applicant, requests a certificate of public convenience and necessity authorizing it to conduct business as a warehouseman as defined in Section 239 of the Public Utilities Code.

Applicant is a California corporation operating as a warehouseman pursuant to a prescriptive right set forth by Commission order in Case No. 6831, dated August 16, 1960. Said right authorizes the operation of 385,135 square feet of floor space at Bakersfield and vicinity exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.

Applicant alleges that since the determination of its prescriptive right, public storage requirements have necessitated the construction of additional warehouse buildings aggregating approximately 84,000 square feet of storage space. As of the date of the filing of the application, applicant operates a warehouse complex consisting of 10 warehouses aggregating 528,711 square feet. One warehouse containing 50,505 square feet contains compress machinery wherein all compress operations are performed. This warehouse is not dedicated to public storage. Applicant's operations consist

of the storing, handling and compressing of cotton and the rendition of miscellaneous services in connection therewith.

Copies of the application were served upon 11 warehousemen and the California Warehousemen's Association. No protests to the application have been received.

The Commission finds that public convenience and necessity require the granting of the authority requested. A public hearing is not necessary.

San Joaquin Compress and Warehouse Company is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business in a particular location. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to San Joaquin Compress and Warehouse Company, a corporation, as a public utility warehouseman, as defined in Section 239(b) of the Public Utilities Code, for the operation of storage or warehouse floor space as set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to file annual reports of its operations.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 61-A.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the prescriptive right

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set forth in Commission Order in Case No. 6831, which prescriptive right is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 3rd  
day of JANUARY, 1968.

*John E. [unclear]*  
President

*William Lee Bennis*

*Augusta*

*William [unclear]*

*And P. [unclear]*  
Commissioners

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APPENDIX A

SAN JOAQUIN COMPRESS AND  
WAREHOUSE COMPANY  
(a corporation)

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San Joaquin Compress and Warehouse Company, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a public utility warehouseman for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Bakersfield and vicinity	478,206

(The floor space shown above is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.)

(End of Appendix A)

Issued by California Public Utilities Commission.

Decision No. 73566, Application No. 49749.